

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

KITSAP COUNTY and the KITSAP  
COUNTY DEPARTMENT OF  
EMERGENCY MANAGEMENT,

Defendants,

v.

GLEN MILNER,

Intervenor.

No. 3:15-cv-05910

STIPULATION AND ORDER FOR A  
BIFURCATED BRIEFING SCHEDULE

Plaintiffs United States of America, et al. (the “United States”), and Defendants  
Kitsap County and Kitsap County Department of Emergency Management (the “County”),  
together with Intervenor Glen Milner (“Milner”) (collectively “the Parties”) respectfully  
submit this Stipulation and proposed Order, and in support thereof represent as follows:

1. This is an action by the United States for declaratory and injunctive relief to  
seek court protection of federal information in connection with federal statutes and other

STIPULATION AND ORDER FOR BIFURCATED BRIEFING  
SCHEDULE  
3:15-cv-05910- 1

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1 law, after Kitsap County received requests for that information made pursuant to the  
2 Washington State Public Records Act (the “PRA”), Chapter 42.56 RCW. Pursuant to a  
3 Temporary Restraining Order (the “TRO”) (ECF 9) issued by this Court on December 15,  
4 2015, the County has been enjoined from making any such disclosures until further Order  
5 of the Court. A hearing on a preliminary injunction is currently scheduled for February 5,  
6 2016 (ECF 18).

7  
8 2. After the issuance of the TRO, Milner and another requester, withdrew their  
9 requests for the information which led to this Action, and, after intervening in this case as a  
10 Defendant, Milner filed an Answer asserting the case was moot (ECF 22-2) because no  
11 requests for the information at issue were currently outstanding with the County. The  
12 County also filed an Answer, in which it also asserted the case was moot. (ECF 26)  
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14 3. The Parties wish to obtain a decision by this Court on the mootness question  
15 before briefing the merits of the case.

16 4. In the event the case is determined not to be moot, the Parties wish to  
17 consolidate the hearing on a Preliminary Injunction with the trial on the merits pursuant to  
18 Rule 65(a)(2). The Parties anticipate that the merits can be decided through cross motions  
19 for summary judgment, briefing for which would commence 28 days after entry of the  
20 Court’s ruling on the mootness question pursuant to a briefing schedule submitted by the  
21 Parties.  
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23 5. The County and Milner agree to the continuation of the TRO until the case  
24 is either determined to be moot, or a final judgment on the merits is entered by the Court.  
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WHEREFORE, the Parties hereby agree to, and respectfully request entry of an Order as set forth below establishing the following schedule for briefing on the mootness question:

Motion to Dismiss	January 28, 2016
Response to Dismissal Motion	February 22, 2016
Reply in Support of Dismissal	March 5, 2016

Respectfully submitted this 11th day of January, 2016.

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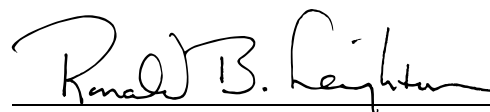
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Attorneys for Defendants Kitsap County And  
Kitsap County Department Of Emergency  
Management

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1           **SO ORDERED.** The bifurcated briefing schedule is adopted.

2           DATED this 12<sup>th</sup> day of January, 2016.

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7           Ronald B. Leighton  
8           United States District Judge  
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